

Notice of Allowability

Application No.

10/711,337

Applicant(s)

SAITO, HIDEAKI

Examiner

Lars A. Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for reconsideration received from the applicant on May 10, 2006.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. On line 13 of Claim 1, the phrase "the flow" has been deleted and replaced with the phrase "a flow" in order to correct a potential lack of antecedent basis problem.
3. A request for reconsideration was received from the applicant on May 10, 2006.

Reasons for Allowance

4. Claims 1-6 are allowed.
5. The following is an examiner's statement of reasons for allowance. The tilt and trim arrangement for an outboard drive as claimed is not shown or suggested in the prior art because of the use of an arrangement that is comprised of a body that defines a cylinder bore, a piston that reciprocates within said cylinder bore and divides said cylinder bore into two chambers, a piston rod that is fixed to said piston and extends through one of said chambers, shock absorbing valves for controlling a flow between said two chambers upon movement of said piston relative to said cylinder bore, and a spring-biased piston that is contained in one of said chambers for further damping the degree of movement of said piston in said one chamber.

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6. The prior art as disclosed by Onoue (US 6,287,160) shows the use of a tilt and trim arrangement that is comprised of a body that defines a cylinder bore, a tilt piston with valves that is connected to a piston rod, a trim piston that is located below said tilt piston, and a floating piston that is located between said tilt piston and said trim piston for damping the degree of movement of said tilt piston. Nakamura (US 6,165,032) discloses a tilt cylinder device that includes a tilt piston with valves, a free piston and a spring-biased operation rod for a relief valve mechanism. Therefore, none of the prior art cited shows or suggests the use of a tilt and trim arrangement for an outboard drive, said arrangement being comprised of a body that defines a cylinder bore, a piston that reciprocates within said cylinder bore and divides said cylinder bore into two chambers, a piston rod that is fixed to said piston and extends through one of said chambers, shock absorbing valves for controlling a flow between said two chambers upon movement of said piston relative to said cylinder bore, and a spring-biased piston that is contained in one of said chambers for further damping the degree of movement of said piston in said one chamber.

Conclusion

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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8. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

June 15, 2006

LARS A. OLSON
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Lars Olson".

6 / 15 / 06